

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

LONNIE G. BLACKBURN,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	Case No. CIV-12-2-F
	)	
MICHAEL J. ASTRUE,	)	
Commissioner of Social Security	)	
Administration,	)	
	)	
Defendants.	)	

**ORDER**

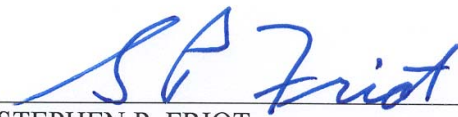
United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation on December 6, 2012, wherein he recommended that the final decision of defendant, Michael J. Astrue, Commissioner of Social Security Administration, denying plaintiff, Lonnie G. Blackburn's applications for disability insurance and supplemental security income benefits under Title II and Title XVI of the Social Security Act, 42 U.S.C. §§ 416(i), 423, 1382, be affirmed.

Currently before the court is plaintiff's objection to the Report and Recommendation. Plaintiff objects to the Report and Recommendation insofar as Magistrate Judge Purcell found that any error in the administrative law judge's failure to inquire about any conflicts between the vocational expert's testimony regarding the counter clerk position and the description of that position in the Dictionary of Occupational Titles ("DOT") did not require reversal of defendant's final decision and remand for further development of the record. Magistrate Judge Purcell, citing Poppa v. Astrue, 569 F.3d 1167, 1173 (10<sup>th</sup> Cir. 2009), specifically concluded that any error in the administrative law judge's failure to question the vocational expert as to

conflicts with the DOT concerning the counter clerk position was harmless because there were no conflicts. Pursuant to 28 U.S.C. § 636(b)(1), the court has conducted a *de novo* review of the matter. Having done so, the court concurs with the analysis of Magistrate Judge Purcell. The court finds it unnecessary to repeat that analysis again. The court accepts, adopts and affirms the Report and Recommendation in its entirety.

Accordingly, the Report and Recommendation issued by United States Magistrate Judge Gary M. Purcell on December 6, 2012 (doc. no. 17) is **ACCEPTED**, **ADOPTED** and **AFFIRMED**. The final decision of defendant, Michael J. Astrue, Commissioner of Social Security Administration, denying plaintiff, Lonnie G. Blackburn's applications for disability insurance and supplemental security income benefits under Title II and Title XVI of the Social Security Act, 42 U.S.C. §§ 416(i), 423, 1382, is **AFFIRMED**.

DATED this 10<sup>th</sup> day of January, 2013.

  
STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE